



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/086,977

03/01/2002

Kouji Asada

16869N-044500US

3252

20350

7590

11/17/2004

TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

CHO, UN C

ART UNIT

PAPER NUMBER

2687

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/086,977

Applicant(s)

ASADA ET AL.

Examiner

Un C Cho

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 3,4,7 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                              |                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2 and 3</u> . | 6) <input type="checkbox"/> Other: ____                                                |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 3, 4, 7 and 9 are objected to because of the following informalities:

Regarding claim 3, 4 and 7, line 4 of each claim recites "said travel serve, ..." it should be "said travel server, ..." instead.

Regarding claim 9, line 6 and 11 recites "said travel server ..." it should be "said portable terminal ..." instead.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b); by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Richton (US 6,650,902).

Regarding claim 1, Richton discloses an information transmission system comprising a portable terminal (wireless mobile unit, Fig. 2, 201) having transmission function of data and a travel server (location based server, Fig. 2, 221) for memorizing personal data and various kinds of data therein (user profile

and other information is stored in the location based server, Col. 3, lines 9 – 28), wherein said travel server produces travel data (location-based information) necessary for traveling of an each person, from the personal data (user profile), including destination information of travel therein, and the various kinds of data (changes in the location information of the wireless mobile unit), which are memorized in said travel server (tracked by the location based server), and transmits the travel data from said travel server to said portable terminal, depending upon at least one or both of location information of said portable terminal and time information programmed in advance (provide location-based information based on location of the wireless mobile unit, Col. 2, line 59 through Col. 3, line 8).

Regarding claim 2, Richton discloses that the travel data (location-based information) is changed to newest data when changing is made on said various kinds of data (location-based service database, Fig. 3, 302 located within the location based server has a list of things to be done or information to be gathered in association with a designated wireless mobile unit and the geographic area, Col. 4, lines 28 – 52).

Regarding claim 3, Richton discloses that destination of travel, means for moving, identification means of said portable terminal are registered in said travel server (location-based controller, Fig. 3, 302 located within the location based server has information identifying the wireless mobile unit), as the personal data, and said travel server (location based server) produces the travel data for each

person and for each the destination from the personal data and the various kinds of data, so as to transmit them to said portable terminal (Col. 3, lines 9 – 28).

Regarding claim 4, Richton discloses destination of travel, means for moving, identification means of said portable terminal are registered in said travel server (location-based controller, Fig. 3, 302 located within the location based server has information identifying the wireless mobile unit), as the personal data, and also information of facilities and sightseeing information corresponding to the destination of travel (location-based service database, Fig. 3, 302 located within the location based server has a list of things to be done or information to be gathered in association with a designated wireless mobile unit and the geographic area) are registered in said travel server, as the various kinds of data (Col. 4, lines 28 – 52).

Regarding claim 5, Richton discloses area servers (Intelligent Personal Assistant, IPA) located in plural number of areas, wherein the various kinds of data, including the information of facilities and the sightseeing information (preference information such as airline preference, priorities of importance to a user, etc), which are accumulated in said local area servers (location based preferences server, Fig. 3, 305 located within the location based server), are taken out from said local area servers, so as to be used for producing of the travel data (Col. 3, lines 24 – 38).

Regarding claim 6, Richton discloses that the information transmission system further comprises area servers located in plural numbers of areas, and

said travel server (location based server) accesses to the local area server nearest to a present location of said portable terminal when transmitting the data on said portable terminal (IPA may be programmed to know how to best deliver information because of its programmed knowledge of the user, Col. 5, lines 56 – 43).

Regarding claim 7, Richton discloses that the information of facilities and sightseeing information corresponding to the destination of travel are registered in said travel server, respectively, as the various kinds of data (location-based service database, Fig. 3, 302 located within the location based server has a list of things to be done or information to be gathered in association with a designated wireless mobile unit and the geographic area, Col. 4, lines 28 – 52), and said various kinds of data is supplied to a broadcasting station (base stations, Fig. 2, 203 – 1 through 203 – 04) for broadcasting a travel program (Col. 2, line 59 through Col. 3, line 8).

Regarding claim 8, Richton discloses an information transmission system comprising a portable terminal (wireless mobile unit) having transmission function of data and a travel server (location based server) for memorizing personal data and various kinds of data therein, wherein said travel server (location based server) produces travel data necessary for traveling, from the personal data (user profile), including a destination information of travel (location-based information) therein, and various kinds of data, being memorized in said travel server and said portable terminal memorizes a telephone number of said travel server (whenever

Art Unit: 2687

the user calls for location-based services the location based preferences server matches a user's stored preferences of airline, for example, to stored location based preferences), wherein said portable terminal transmits the telephone number of itself to said travel server (location-based controller located within the location based server has information identifying the wireless mobile unit), together with location identification information for use in discriminating of a location registration area when conducting location registration, while said travel server conducts search upon the personal data memorized therein by referring to the telephone number (wireless mobile unit identifying information) received, so as to compare the destination data of travel contained in the personal data, being coincident with, and the location identification information received, thereby to transmit it to said travel server when they are coincident with each other (Col. 3, line 39 through Col. 4, line 14).

Regarding claim 9, Richton discloses an information transmission system comprising a portable terminal having transmission function of data and a travel server for memorizing personal data and various kinds of data therein (user profile and other information is stored in the location based server, Col. 3, lines 9 – 28), wherein said portable terminal transmits a telephone number of itself periodically (in order for a wireless mobile unit to get server it has to register with the system thereby transmitting its identification number constantly, Col. 2, line 59 through Col. 3, line 8), by using the telephone number of said portable terminal memorized in advance in said travel server (location-based controller

located within the location based server has information identifying the wireless mobile unit), so as to require location information of said portable terminal, while said portable terminal transmits the location information thereof to said travel server when the telephone number transmitted from said portable terminal is in coincidence with the telephone number memorized in advance therein, and thereby said travel server transmits the travel data to said portable terminal, corresponding to the location information transmitted (Col. 3, lines 9 – 29 and 46 – 62).

Regarding claim 10, Richton discloses an information transmission system, comprising a portable terminal having transmission function of data and a travel server for memorizing personal data and various kinds of data therein (user profile and other information is stored in the location based server, Col. 3, lines 9 – 28), wherein said portable terminal (wireless mobile unit) comprises a location detector portion for receiving radio wave from a positioning system (GPS and assisted GPS used in conjunction with wireless mobile units and signals sent therefrom, Col. 6, lines 31 – 39), thereby transmitting the location information calculated out by said location detector portion thereof, together with a telephone number of said portable terminal itself (sending wireless mobile unit identification to the location based server), to said travel server (location based server), while said travel server conducts search upon the personal data memorized therein by referring to the telephone number received, so as to compare the destination data of travel contained in the personal data being coincident with, to the location



identification information received, thereby to transmit the travel data to said portable terminal when they are coincident with each other (location-based controller in conjunction with location-based preference server determines the identification of wireless mobile units for which location determining server monitors and identifies position/location information, Col. 6, lines 41 – 65).

Regarding claim 11, the claim is interpreted and rejected for the same reason as set forth in claim 8.

Regarding claim 12, the claim is interpreted and rejected for the same reason as set forth in claim 8.

Regarding claim 13, the claim is interpreted and rejected for the same reason as set forth in claim 10.

Regarding claim 14, the claim is interpreted and rejected for the same reason as set forth in claim 9.

Regarding claim 15, the claim is interpreted and rejected for the same reason as set forth in claim 10.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2687

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richton in view of Anderson (US 6,499,016).

Regarding claim 16, Richton discloses an information transmission system comprising a portable terminal (wireless mobile unit) having transmission function of data, a in-house server (IPA) for transmitting data through a network, a travel server for memorizing personal data including destination information of travel and various kinds of data (user profile and other information is stored in the location based server, Col. 3, lines 9 – 28).

However, Richton does not specifically disclose that information of either one of picture and audio being recorded during travel is transmitted from said portable terminal to said travel server, together with either one or both of location information and time information recorded, and said travel server complies the information transmitted from said portable terminal, thereby to transmit it to said in-house server as an album after the travel. In an analogous art, Anderson discloses that either one of picture and audio being recorded during travel (digital camera capturing images and recording audio, Fig. 1, 12, Col. 2, lines 53 – 61) is transmitted from said portable terminal to said travel server (transmitting from the digital camera to the web server, Col. 2, lines 61 – 67), together with either one or both of location information and time information recorded (it is inherent that digital cameras record the time when the picture is taken, Col. 3, lines 30 – 43), thereby to transmit it to said in-house server as an album after the travel (transmit it to the server as an album, Col. 3, lines 10 – 22). Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Anderson to the system of Richton in order to provide a method for automatically storing and presenting digital images, in which includes capturing digital images with a digital camera and storing the images in an image file, where the file includes at least one speech field, thus, an album may then be dynamically created by retrieving selected images and corresponding text annotations from the database in response to a request from the user, and displaying each image on the album.

Regarding claim 17, Richton in view of Anderson as applied to claim 16 above disclose that the information of either one of picture and audio recorded during the travel includes information obtained by taking through said portable terminal during the travel and a portion of travel information transmitted from said travel server (capturing image and recording audio using the digital camera and transmitting it to the server, Col. 2, lines 53 – 67).

Regarding claim 19, the claim is interpreted and rejected for the same reason as set forth in claim 16.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richmond in view of Anderson as applied to claim 16 above, and further in view of Kim (US 6,681,120).

Regarding claim 18, Richton in view of Anderson as applied to claim 16 above discloses that either one of picture and audio is transmitted from said portable terminal to said travel server, together with either one or both location

information and time information recorded (capturing image and recording audio using the digital camera and transmitting it to the server, Col. 2, lines 53 – 67).

However, Richton in view of Anderson as applied to claim 16 above does not specifically disclose the portable terminal comprising a holding mechanism for holding an IC card therein, and an input/output means for reading and/or writing from and/or into said IC card, wherein the information of either one of picture and audio, being recorded into said IC card during the travel. In an analogous art, Kim discloses the portable terminal (cellular telephone, Fig. 1, 100) comprising a holding mechanism for holding an IC card therein (socket, Fig. 1, 120A to hold the memory card, Fig. 1, 200), and an input/output means for reading and/or writing from and/or into said IC card, wherein the information of either one of picture and audio, being recorded into said IC card during the travel (information can be read and/or written from and/or into said memory card, Col. 3, lines 66 through Col. 4, line 26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Kim to the modified system of Richton and Anderson in order to provide a mobile entertainment and communication device that wirelessly records data from the internet and selectively reproduces that data, such as music and/or images, and also provides a portable security device capable of automatically communicating with a remote telephone and transmitting emergency data including sounds, pictures, location and similar information when selectively activated by the owner or when automatically activated by conditions

sensed by integral sensors, including conditions such as sudden movement, sounds, light, heat, smote or the like.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Paul (US 2004/0171371) discloses an automatic camera image transmittal system and method permits the safe, efficient and secure transmission of digital images to a wireless network where they are archived and retrieved by authorized parties.

Kawamoto (US 6,169,902) discloses an information terminal, interconnected through a radio communication network, including a position acquisition unit for acquiring position fixing information that fixes the present position of own information terminal, a transmitting unit for transmitting through the radio-communication network.

Fraccaroli (US 6,748,223) discloses an apparatus and an associated method by which to provide a digital image created at the mobile station by a digital camera forming a portion thereof, to an assistance center such as an emergency dispatch center.

Safai (US 6,715,003) discloses a handheld digital camera can send to the photo service provider one or more digital images with address information indicating destinations for the digital images or photographic prints.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (703) 305-8725. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (703) 306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Un C Cho  
Examiner  
Art Unit 2687

*2004*  
*11/18/2004 UC*  
LESTER G. KINCAID  
PRIMARY EXAMINER